SPACE RESERVED FOR WASHINGTON CO. RECORDERS USE

BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR A LAND DIVISION – PRELIMINARY SUBDIVISION APPROVAL TO REVIEW 82 LOT SUBDIVISION IN CONJUNCTION WITH A PLANNED UNIT DEVELOPMENT (FOREST GLEN SUBDIVISION & PUD). POLYGON NW, APPLICANT.

ORDER NO. 2299
LD2012-0007 ORDER APPROVING FOREST GLEN SUBDIVISION & PUD

This matter came before the Planning Commission on September 26, 2012, on a request for a Land Division – Preliminary Subdivision approval to review an 82 lot subdivision in conjunction with a Planned Unit Development. The subject site can be specifically described as Tax Lot's 1900 and 2000 on Washington County Tax Assessor's Map 1S1-28CC and Tax Lot's 1000 and 1100 on Washington County Tax Assessor's Map 1S1-33BB.

Pursuant to Ordinance 2050 (Development Code), Sections 50.15.2 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

Prior to the public hearing staff published a written staff report (dated September 19, 2012) as well as a supplemental memorandum (dated September 25, 2012). The staff report recommended approval of the proposed

application with associated conditions of approval. The supplemental memorandum reviewed public testimony and recommended two additional conditions of approval.

During the hearing, those persons in opposition of the proposal expressed their concerns on compatibility with the surrounding neighborhood, potential erosion and runoff, parking, and street design. Specific testimony included proposing a reduced number of lots for a more consistent design with the surrounding neighborhood, water runoff may be an issue onto adjacent properties which could cause slope instability and erosion, the proposed streets are narrow and curved, the high utilization of the limited on-street parking in the area and limited on-street parking provided by the development, monitoring of soils should be done during development, transportation studies were done when high school seniors were already done with school so traffic volumes were lower, and requesting that a French drain be installed where properties abut existing development. The Commission asked additional questions regarding drainage, parking, wetland hydrology, transportation, new Weir Road, and tree retention.

In oral and written testimony presented at the hearing, the applicant provided evidence in support of the proposal in response to the public testimony and Planning Commission questions.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the findings of the Staff Report dated

September 19, 2012, and Staff's Memorandum dated September 25, 2012, as amended and based on the additional findings made by the Planning Commission through the course of the hearing as to applicable approval criteria contained in Sections 40.03 and 40.45.15.4.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **LD2012-0007** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated September 19, 2012, and Staff's Memorandum dated September 25, 2012, as amended and based on the additional findings made by the Planning Commission made through the course of the hearing subject to the conditions of approval as follows:

A. Prior to issuance of the site development permit, the applicant shall:

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued,

the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)

5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)

6. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the Murray Boulevard right of way. The site plan approved by the City for Site Development Permit is to show a southward extension of the existing landscaped median in Murray Boulevard located approximately 500 feet to north. The length and stopping point of this median is to be determined by the County Transportation Engineer. The purpose of the extended median is to remove the existing southbound left-in access to SW Weir Road (on the east side of Murray Boulevard) and to prohibit the ability for vehicles to turn left into SW Weir Road. The signalized intersection at Weir Road and Murray Boulevard is to become the new left-in access with vehicle stacking area at a minimum of 100-feet before the intersection. SW Weir Road (east side of Murray) is to be re-named and restricted to right-in /right-out movement to SW Murray Boulevard. (Site Development Div./JJD)

7. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer for the site in general and specifically for the stream crossing structure foundations. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality (DEQ). (Site Development Div./JJD)

8. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)

9. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)

10. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for wetland vegetative corridors, and any construction affecting an Agency sanitary-sewer trunk main (24 inches in diameter or larger). (Site Development Div./JJD)

11. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the 2006 plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (For application information and to access the required plan format, see the Tualatin Basin program info at http://www.cleanwaterservices.org/PermitCenter/PermittingProcess/ErosionControl.aspx Note: DO not use information from the DEQ; only from this link at CWS).(Site Development Div./JJD)

12. Submit a copy of issued permits or other approvals needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./JJD)

13. Provide a final detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer with the site development permit application. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site. It shall include a specific analysis up to the 100-year event of flows onto and from the site. The plans shall clearly demark the 100 year flood elevation and safe overflow path(s) for the proposed conditions to the ultimate discharge point on the Summer Creek tributary south of Spaniel Court. Construct flow control measures as needed on the inlet and outlet culverts as determined and approved by the City Engineer. (Site Development Div./JJD)

14. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to lots within the subdivision. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water

from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)

15. Submit a design for the retaining walls surrounding, adjacent, and within the street crossing area designed by a civil engineer or structural engineer for the expected hydrological conditions. These retaining walls shall be watertight for all areas of earthen fill or where deemed necessary by the City Engineer. Additionally, these walls shall be designed as poured-in-place, reinforced, 4000 PSI, portland cement concrete with cobblestone face texturing, or a City Engineer approved equivalent. (Site Development Div./JJD)

16. Submit a revised grading plan showing that each lot has a minimum building pad elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow). Additionally, a minimum finished floor elevation that is at least three feet higher than the maximum possible high water elevation shall be established for each new building lot and documented on the plans for those lots adjacent to the drainage way or affected by an overflow. This land-use approval shall provide for minor grade changes less than four vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)

17. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2640 square feet). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div./JJD)

18. Pay a storm water system development charge in-lieu of constructing an on-site storm water quality (summer treatment) facility in the amount as determined by the City Engineer for this development's share needed to construct a regional, off-site storm water treatment facility. (Site Development Div./JJD)

19. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for any common areas or private streets. (Site Development Div./JJD) (Site Development Div./JJD)

20. Provide plans for street lights (Option C unless otherwise approved by the City Public Works Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. The existing overhead lines along the Weir Road frontage shall be undergrounded or as otherwise determined by the City Engineer. Any Option A Street lights along the Weir Road frontage shall be replaced by Option C street lights with illumination levels to be evaluated per City Design Manual requirements (Section 450). (Site Development Div./JJD)

21. Provide plans showing a City standard commercial driveway apron (may be modified to have six foot wings) at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)

22. Provide plans showing grade separated sidewalk on private drive 'A'. Grade separation may be made with a wedge style curb or other as approved by the City Engineer. (Site Development Div./WP)

23. The applicant shall submit the joint use and maintenance agreement documentation as outlined in the Engineering Design Manual Section 210.13.M to the City Engineer for approval. (Transportation/LP)

24. The applicant shall submit a revised tentative subdivision plan with the following modifications, or shall receive approval for an Engineering Design Modification from the Public Works Director: (Transportation/LP)

    a. A new collector street that connects SW Weir Road west of SW Murray Boulevard to SW Weir Road east of SW Murray Boulevard. The collector street shall be designed according to Standard Drawing No. 101(2 Lanes) of the Beaverton Engineering Design Manual. The collector improvements shall include the existing portion of SW Weir Road south of proposed Street "B". At the intersection of SW Murray Boulevard and the new collector, a third lane shall be added to accommodate a left turn lane. All curb radii (at Street "A" and Street "B", and Street "B" and SW Weir Road) included in the revised collector street design shall meet the 35 mph design of the Engineering Design Manual.

b. All proposed local streets (Streets "B" south of "A", "C", "D", "E", "F", "G", and "H") designed according to Standard Drawing No. 103 (either L1, L2, L3 or a combination). All curb radii included in the revised local street plan shall meet the 25 mph design of the Engineering Design Manual.

25. FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (OFC 503.2.) *The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided.* (TVF&R/JF)

26. FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1) *Reposition fire hydrants to meet this requirement.* (TVF&R/JF)

27. NO PARKING SIGNS: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) *Signs are required in accordance with City street design standards.*(TVF&R/JF)

28. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) (TVF&R/JF)

29. Turning radii must be show in compliance with TVF& R standards on the submitted plans (28 foot inner and 48 foot outer turning radii). (TVF&R/JF)

30. GRADE: Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC 503.2.7 & D103.2) *The fire district does not support fire department access roads in excess of 10% without fire sprinkler systems.* (TVF&R/JF)

31. SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW: The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) *Prior to issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure.* (TVF&R/JF)

32. REFLECTIVE HYDRANT MARKERS: Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1) (TVF&R/JF)

33. PHYSICAL PROTECTION: Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6) (TVF&R/JF)

34. CLEAR SPACE AROUND FIRE HYDRANTS: A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5) (TVF&R/JF)

35. ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION: Approved fire apparatus access roadways and firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1) (TVF&R/JF)

36. KNOX BOX: A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1) (TVF&R/JF)

37. PREMISES IDENTIFICATION: Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1) (TVF&R/JF)

38. ANGLE OF APPROACH AND DEPARTURE: The angles of approach and departure for fire apparatus roads shall not exceed 8 Degrees. (OFC 503.2.8, NFPA 1901) (TVF&R/JF)

39. A demolition permit is required for the removal of the existing building(s). A plumbing permit is required for removal, abandonment and capping of a septic tank or sewer line. If a septic tank exists, it shall be pumped out and filled in with sand or gravel or completely removed. An inspection shall be obtained from the plumbing inspector after the tank is filled or removed. A copy of the receipt from the pumping company shall be provided. If the building is connected to the public sanitary sewer system, the building's sewer shall be capped off at the property line and inspected by the plumbing inspector. (BC 8.02.035, Section 105, OSSC; Section 722, OPSC) The removal of existing buildings on the property may provide credits towards some system development (SDC) fees such as water, sanitary sewer, impervious surface, and traffic. (Building/BR)

40. Resolve design and/or conflicts with refuse disposal/recycling hauler that would preclude adequate service of refuse and recycling containers for all units of the development. (Planning Division/JF)

41. Ensure that all associated applications, including Sidewalk Design Modification, Conditional Use, Land Division, and Tree Plan have been approved and are consistent with the submitted plans. (Planning Division/JF)

42. Ensure adequate turn-around space is provided at the terminus of Drive "A" of sufficient size to accommodate garbage service vehicles and ambulances. (Planning Division/JF)

43. The applicant shall show compliance with all transportation mitigation measures as described in the memo from Kittleson & Associates, Inc, dated July 19, 2012. (Planning Division/JF)

44. The applicant provide a plan showing compliance with the recommended mitigation measures set forth in the TIA dated July 19, 2012, prepared by Kittelson & Associates. (Planning/JF)

B. **Prior to final plat approval, the applicant / developer shall:**

45. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development / JJD)

46. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./JJD)

47. Submit an application for a Street Name Change for the portion of SW Weir Road to the west of the new street alignment. (Planning Division/JF)

48. Demonstrate all lots meet ordinance standards for lot size, dimension and frontage. The final plat shall be fully dimensioned and indicate the square footage of each lot. (Planning Division/JF)

49. Provide written assurance to the Planning Division that each and every lot is buildable without variance under City Ordinances effective as of the date of preliminary plat approval. Tracts and other parcels not proposed for development shall also be listed with a statement of their purpose. (Planning Division/JF)

50. Pay all City liens, taxes and assessments or apportion to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning Division/JF)

51. Submit a completed Land Division Agreement form to provide assurance that all the conditions of approval shall be met and that the development will be constructed in accordance with City requirements. (Planning Division/JF)

52. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. (Planning Division/JF)

53. Identify all improvements within tracts and public rights-of-ways and specify the maintenance responsibilities of those improvements. (Planning Division/JF)

54. Provide a street name shown on the site development plans identical with those on the Final Plat, and street name signs shall not be installed prior to final plat approval. (Planning Division/JF)

C. **Prior to building permit issuance, the applicant shall:**

55. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)

56. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional. (Site Development Div./JJD)

57. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./JJD)

58. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

59. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD)

D. **Prior to release of performance security, the applicant shall:**

60. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)

61. Submit any required on-site easements not already dedicated on the subdivision plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

62. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation within the construction disturbed or sediment affected

areas surrounding or within the surface water quality facility, vegetated corridor, and the common use areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City prior to release of the security. (Site Development Div./JJD)

E. **Prior to final inspection of any building permit, the applicant shall:**

63. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)

64. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

65. Obtain a Finaled Washington County Facility Permit. (Washington County/Naomi Vogel)

Motion **CARRIED**, by the following vote:

AYES:	Overhage, Doukas, Fagin, Maks, Winter, and Stephens.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Nye.

Dated this 5th day of October, 2012.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2299, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Monday, October 15, 2012.

PLANNING COMMISSION

FOR BEAVERTON, OREGON

ATTEST:

JANA FOX
Associate Planner

APPROVED:

RIC STEPHENS
Chair

STEVEN A. SPARKS, AICP
Planning Division Manager